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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,154	07/02/2001	Hyoun Jin Kin	2832-0139P	9531

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EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,154

Applicant(s)

KIM ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 10-11 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-11, in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the groups of claims are not "independent and distinct". This is not found persuasive because the groups are clearly independent and distinct, as shown in the restriction requirement of Paper No. 3.
2. Specifically, applicant's attention is directed to MPEP §802.01 defining the term "independent":

"The term "independent" as already pointed out, means not dependent. A large number of subjects between which, prior to the 1952 Act, division had been proper, are dependent subjects, such as, for example, combination and a subcombination thereof; as process and apparatus used in the practice of the process; as composition and the process in which the composition is used; as process and the product made by such process, etc." (emphasis added)

3. It is clear that applicant's inventions, a washing machine and a method of locking, are both independent and distinct as shown by the different searches required and their separate status in the art because of their recognized divergent subject matter as dependent inventions (see Restriction Requirement, Paper No. 3).
4. Moreover, although applicant argues the restricted Groups I and II are "independent and distinct", applicant has failed to provide any evidence of how the

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Groups are independent and/or distinct, merely relying on definitions which support the Examiner's restriction requirement.

5. Applicant is reminded of 35 U.S.C. §101, which states:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." (emphasis added)

6. The requirement is still deemed proper and is therefore made FINAL.

Priority

7. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

8. It is noted that an Information Disclosure Statement under 37 CFR 1.97 for the present application has not been received by the Office. If Applicant believes this to be in error, Applicant is urged to submit documentation supporting a proper filing of any previously submitted information disclosure statements in order to have such disclosures considered by the Office.

Oath/Declaration

9. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

10. The oath or declaration is defective because:

It does not properly identify the foreign application(s) for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55. The day, month and year of filing for the claimed foreign priority documents appears to be erroneous.

Specification

11. Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

12. The abstract of the disclosure is objected to because the abstract contains legal phraseology, such as "means". Correction is required. See MPEP § 608.01(b).

Double Patenting

13. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/895,083. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the instant application, which appears to be broader than that of the copending application claim 1, claims a drawer-type washing machine comprising a housing with an open side, a cabinet within the housing which moves backward and forward through the open side of the housing, a washing bath (tub) within the cabinet, and a drawing means (sliding unit) between the housing and cabinet for moving the cabinet relative to the housing.

14. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-11 are considered vague and indefinite. It is unclear what applicant intends. It is unclear whether applicant is claiming a "sensor" or a "means for sensing".

Further regarding claims 10-11, the word "means" is preceded by the word(s) "sensor" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

As best understood in view of the specification, the claim is construed as a sensor since applicant has not disclosed any equivalents of a means for sensing. However, clarification and correction are still required.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,470,142 to Sargeant *et al.* (hereinafter "Sargeant").

Sargeant discloses a drawer-type washing machine having a housing with two compartments and two cabinets/washing baths (see, for instance, Figure 1). Specifically to each compartment, Sargeant discloses a cabinet 17 slidably positionable via drawing means within the housing (see entire reference of Sargeant, for instance, col. 9, line 67 – col. 10, line 1), a washing bath 3 within the cabinet 17, and locking

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means (lid lifting mechanism) to secure the cabinet 17 within the housing (see entire reference of Sargeant, for instance, col. 12, lines 22-62).

19. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,426,794 to Vanderheijden.

Vanderheijden discloses a drawer-type washing machine with a housing 1 having a side opening 5, a slidable cabinet (not numbered) within the housing, a washing bath 7 within the cabinet, and drawing means 24 and/or 25 (see entire reference of Vanderheijden, for instance, Figure 2 and associated text).

Allowable Subject Matter

20. Claims 2-6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

22. The prior art references fail to teach each and every limitation of the instant invention. Specifically, the prior art references fail to teach or suggest the washing machine as claimed (re claim 2) further including drawing means with guide panels with a driving roller rotationally driven by a motor or the washing machine as claimed (re claim 8) further including locking means with solenoids having actuating rods within each of said compartments and fitting members corresponding to the actuating rods,

which are disclosed as an essential element of claimed invention, as described in dependent claims 2 & 8.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,588,238 to Reason, which discloses a washing machine with side opening and slidable washing drum.

US 6,260,565 to Welch *et al.*, which discloses a washing machine with double slidable wash drawers.

US 6,189,551 to Sargeant *et al.*, which discloses a washing machine with double slidable wash drawers.

US 5,438,766 to Nakamura, which discloses a washing machine with actuating locking means for locking rotational washing drum.

US 2,570,529 to Dolan, which discloses a washing machine with double slidable wash drawers.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.


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25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.
Examiner
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July 30, 2003


FRANKIE L. STINSON
PRIMARY EXAMINER
GROUP 3400 / 1700